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Attorneys for ZF in Liquidation, LLC fka Zacky Farms, LLC

UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF CALIFORNIA

SACRAMENTO DIVISION

In re:

ZF IN LIQUIDATION, LLC, a
 California limited liability company
 fka ZACKY FARMS, LLC, a
 California limited liability
 company,

Debtor-In-Possession

CASE NO. 12-37961-B-11

DCN: FWP-104

Date: December 17, 2013

Time: 9:32 a.m.

Courtroom: 32

501 I Street, 6th Floor
 Sacramento, CA

ORDER APPROVING COMPROMISE WITH FIRST AMERICAN TITLE COMPANY

The motion (“Motion”) of Zacky Farms, LLC, a California limited liability company, debtor in possession in the above-entitled bankruptcy case (the “Debtor”), seeking entry of an order approving a compromise (the “Settlement”) with First American Title Company (First American”), came on for hearing on December 17, 2013, at 9:32 a.m., in Courtroom 32 of the United States Bankruptcy Court for the Eastern District of California. Appearances were noted on the record.

Based upon the Motion, the Declaration of Sean M. Harding in support of the Motion, and any other relevant papers filed in connection with the Motion, arguments of counsel appearing at the hearing on the Motion, and findings of fact and conclusions of law stated on the record; the Court having found that due notice of the Motion was properly served on all parties

RECEIVED

December 20, 2013
 CLERK, U.S. BANKRUPTCY COURT
 EASTERN DISTRICT OF CALIFORNIA
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1 and is sufficient under the circumstances and that no other or further notice need be provided;
2 and the Court having determined that the relief sought in the Motion is in the best interests of the
3 Debtor, its estate and all parties in interest, and for good and sufficient cause appearing,

4 IT IS HEREBY ORDERED THAT:

5 1. The Motion (docket no. 2368) is GRANTED to the extent set forth in this Order.
6 2. The Debtor is authorized to enter into the Stipulated Dismissal attached as
7 Exhibit A to this Order.
8 3. The parties are authorized to take all actions reasonably necessary to carry out and
9 implement the Stipulated Dismissal.

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Dated: January 07, 2014

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Thomas C. Holman
United States Bankruptcy Judge

EXHIBIT A

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8 Attorneys for ZF in Liquidation, LLC fka Zacky Farms, LLC

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

11 In re:
 12

13 ZF IN LIQUIDATION, LLC, a California
 limited liability company fka ZACKY
 14 FARMS, LLC, a California limited
 liability company,

15 Debtor-in-Possession.
 16

17 ZF IN LIQUIDATION, LLC, a California
 limited liability company fka ZACKY
 18 FARMS, LLC, a California limited
 liability company,

19 Plaintiff,
 20 v.

21 IDAHO AVENUE LAND COMPANY,
 a California general partnership, et al.,

22 Defendants.
 23

CASE NO. 12-37961-B-11

Chapter 11

Adversary Proceeding No. 13-02256

**STIPULATION TO DISMISS
ADVERSARY PROCEEDING
(Defendant First American Title
Company)**

24 Plaintiff ZF in Liquidation, LLC fka Zacky Farms, LLC, a California limited liability
 25 company, debtor in possession in the above-entitled bankruptcy case (“Plaintiff”), and
 26 Defendant First American Title Company (“First American”), by and through their respective
 27 counsel of record, enter into this Stipulation to Dismiss Adversary Proceeding with reference to
 28 the following facts.

RECITALS

A. On August 15, 2013, Plaintiff filed its Complaint for Cancellation of Instrument; to Quiet Title; for Declaratory Relief; and for Slander of Title (the “Complaint”) in connection with this adversary proceeding.

B. Plaintiff and First American wish to resolve Plaintiff's claims against First American by stipulating to dismissal of the Complaint with prejudice as to First American, with each party to bear its own attorneys' fees and costs.

STIPULATION

NOW THEREFORE, Plaintiff and First American hereby stipulate and agree as follows:

1. Plaintiff and First American stipulate to dismissal of the Complaint with prejudice as to First American, with each party to bear its own attorneys' fees and costs.

2. Plaintiff and First American waive and release each other from damages of any kind or nature arising from or related to (a) the filing and/or prosecution or defense of the Complaint and/or (b) the facts alleged in the Complaint.

3. By executing this stipulation, counsel warrant that: (a) each has their client's authority to execute the same, and (b) this stipulation will not be effective, and the parties shall not file it in the adversary proceeding, prior to Court approval of the Debtor's Motion to Approve Compromise with First American Title Company (the "Compromise Motion"). The stipulation may be filed in the bankruptcy case in conjunction with the Compromise Motion.

Dated: December 2, 2013

FELDERSTEIN FITZGERALD
WILLOUGHBY & PASCUZZI LLP

By: Jennifer E. Niemann
JENNIFER E. NIEMANN
Attorneys for Plaintiff ZF in Liquidation, LLC fka
Zacky Farms, LLC

Dated: December 2, 2013

LAW OFFICES OF GLENN H. WECHSLER

By: 
LAWRENCE D. HARRIS
Attorneys for Defendant First American Title
Company